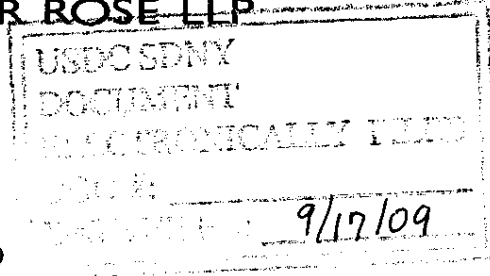


BOCA RATON
BOSTON
CHICAGO
HONG KONG
LONDON
LOS ANGELES
NEW ORLEANS
NEWARK
PARIS
SAO PAULO
WASHINGTON

1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
Fax 212.969.2900

PROSKAUER ROSE LLP



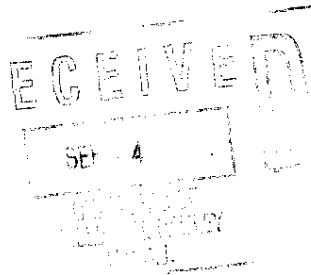
Evandro C. Gigante
Attorney at Law

Direct Dial 212.969.3132
egigante@proskauer.com

September 11, 2009

Via Hand Delivery

Honorable William H. Pauley III
United States Courthouse
500 Pearl Street, Room 2210
New York, New York 10007



Re: Annette Smith v. National Basketball Association
and Bernard Tolbert, Index No. 08 Civ. 7888 (WHP)(RLE)

Dear Judge Pauley:

We represent Defendants National Basketball Association ("NBA") and Bernard Tolbert (collectively, "Defendants") in the above-referenced matter. We write, in accordance Your Honor's Individual Practice Rule 1.E, and with the consent of Plaintiff's counsel, to request a short adjournment of the upcoming oral argument on Defendants' motion for summary judgment.

Pursuant to the Court's Scheduling Order No. 2, dated June 29, 2009, oral argument on the pending motion is scheduled for September 25, 2009 at 10:15 a.m. Because defense counsel is scheduled to speak at a professional conference on September 25, to which approximately 100 guests have been invited, we respectfully request an adjournment of the oral argument until October 9, 2009. The parties have not made any previous requests to adjourn the oral argument.

We thank the Court for its consideration in this matter.

Respectfully submitted,

Evandro C. Gigante

cc: Derek T. Smith, Esq. (via facsimile)

Application Granted. The oral argument
will be held on September 22, 2009
at 4:00 p.m.
SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.
9/16/09